

Message Text

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53

ACTION ARA-10

INFO OCT-01 ISO-00 ARAE-00 SSO-00 NSCE-00 INRE-00 USIE-00

DODE-00 CIAE-00 INR-07 NSAE-00 SS-15 SP-02 PA-01

PRS-01 COME-00 JUSE-00 L-02 EB-07 OFA-01 SCA-01 H-02

DLOS-03 CG-00 DOTE-00 SCS-03 /056 W
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FM AMCONSUL GUAYAQUIL

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INFO AMEMBASSY QUITO

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E. O. 11652: N/A

TAGS: PFOR, EFIS, PLOS, EC, US, CASC

SUBJ: SEIZED U.S. VESSELS: INCIDENT ON NEPTUNE

REF: GUAYAQUIL 393

1. NEPTUNE MATE JAMES LARKINS, ENGINEER DON BYRD, AND SEAMAN RICK BYRD WERE RE-ARRESTED EVENING MARCH 6 AND TAKEN TO SALINAS NAVAL BASE WHERE CHARGES WILL BE FILED AGAINST THEM. NAVAL ZONE LEGAL COUNSEL DR. LUIS SALAZAR TRAVELLING TO SALINAS EARLY MARCH 7 TO TAKE STATEMENTS AND PREPARE CASE. SALAZAR'S AUTHORITY IS BOTH CIVIL AND MILITARY; OFFENSE COULD BE TREATED UNDER CIVIL MERCHANT MARINE REGULATIONS, OR BY COURT MARTIAL. AS OF MIDNIGHT MARCH 6 SALAZAR SAID HE HAD NOT DECIDED WHICH COURSE TO FOLLOW.

2. FORCE USED BY ECUADOREAN NAVY IN REMOVING CREW SERIOUSLY EXCEEDED NECESSARY LEVEL. OUR REPORT (REFTEL) THAT FIRING WAS DONE BY CREWMEMBER WAS WRONG, BASED ON A MISUNDERSTOOD MESSAGE RELAYED FROM WITNESS, DAO SGT. LUIS ROSARIO. DIRECT INTERVIEW WITH ROSARIO AND INFORMATION OBTAINED BY DEWITT PROVIDES FOLLOWING SUMMARY OF EVENTS.

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3. IN EARLY MORNING HOURS OF MARCH 6, MATE JAMES LARKINS FOR

REASONS STILL UNCLEAR BEGAN ALTERCATION WITH GUARD. OTHER CREWMEN BECAME INVOLVED WITH RESULT THAT ALL GUARDS PHYSICALLY EXPELLED FROM NEPTUNE. GUARDS SUBSEQUENTLY RETURNED WITH REINFORCEMENTS AND WERE AGAIN DENIED ACCESS TO BOAT. AT THIS POINT SGT. ROSARIO AND CONGEN OFFICER JOSEPH MOSS LEARNED OF THE PROBLEM AND WENT TO THE NEPTUNE. LARKINS DENIED THEM PERMISSION TO COME ABOARD BECAUSE HE WAS UNCONVINCED OF THEIR OFFICIAL STATUS. THEY RETURNED ASHORE AND REPORTED TO CONGEN BY TELEPHONE. DEWITT CALLED SALINAS NAVAL BASE COMMANDER GALARZA TO URGE THAT HE DELAY ANY PHYSICAL CONFRONTATION, AND LEFT FOR SALINAS BY CAR.

4 ON LEARNING THAT BOARDING PARTY WAS TO BE DISPATCHED, SGT. ROSARIO OBTAINED PERMISSION TO GO TO NEPTUNE 20 MINUTES IN ADVANCE BY NAVY LAUNCH. HOWEVER, LAUNCH WAS DIVERTED BY COLLISION IN HARBOR AND ARRIVED AT NEPTUNE ALMOST SIMULTANEOUSLY WITH BOARDING PARTY OF 30-35 MEN. NEPTUNE WAS ALREADY BOARDED WHEN ECUADOREANS NOTICED ENGINEER DON BYRD TAKING PHOTOGRAPHS. HE REFUSED TO TURN OVER HIS CAMERA AND SCUFFLING BEGAN. ECUADOREAN OFFICER APPARENTLY LOST CONTROL OF HIS MEN. APPROXIMATELY 20 ROUNDS WERE FIRED, SOME OF WHICH WERE BLANK. LIVE ROUNDS WERE FIRED THROUGH THE DECK. NEPTUNE CREWMEMBERS AND OFFICERS WERE UNARMED, OUTNUMBERED ABOUT 2 TO 1, AND WERE BEATEN INDISCRIMINATELY BEFORE BEING TAKEN ASHORE. ECUADOREAN SEAMEN LEFT ABOARD RANSACKED VESSEL OSTENSIBLY SEARCHING FOR CAMERA. CREW REPORTS THEY ATE FOOD, DRANK BEER, AND STOLE MANY PERSONAL POSSESSIONS.

5. DEWITT OBTAINED PERMISSION FOR CREW TO RETURN TO BOAT AFTER-NOON MARCH 6, BUT WHILE HE WAS TAKING INJURED SEAMAN TO HOSPITAL THREE WERE RE-ARRESTED AND JAILED AT NAVAL BASE. CAPTAIN GALARZA BECAME ENRAGED AT DEWITT'S ATTEMPTS TO INTERCEDE AND BANNED HIM FROM BASE.

6 DEWITT HAS IMPRESSION GALARZA RECEIVED ORDERS FROM HIGHER AUTHORITIES TO PROSECUTE CREWMEMBERS. THIS SUBSTANTIATED BY NAVAL ZONE CHIEF OF STAFF RUIZ' COMMENT TO KELLER LATE MARCH 6 THAT ECUADOREAN NAVY HAD OVERLOOKED OTHER INCIDENTS BUT COULD NOT IGNORE SERIOUS MILITARY OFFENSE OF RESISTANCE TO MILITARY GUARD. WE BELIEVE NAVY PERSONNEL INVOLVED WANT COURT MARTIAL, WHICH WOULD NOT PERMIT INTERVENTION BY CONSULAR OFFICERS OR BY BOAT'S ATTORNEY, JOSE ZAPATIER, WHO NOW IN SALINAS.
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7. DEWITT WILL OBTAIN SWORN STATEMENTS FROM CREWMEMBERS AND SGT. ROSARIO TO SUPPORT POSSIBLE PROTEST AT HIGHER LEVEL. ROSARIO PERFORMED NECESSARY JOB EXCELLENTLY BUT HAS BEEN WITHDRAWN TO LESS EXPOSED POSITION IN ORDER AVOID UNDUE INVOLVEMENT U.S. MILITARY PERSONNEL IN FURTHER DEVELOPMENTS.

8. NEPTUNE NOT OFFLOADING FISH AS HAD BEEN SCHEDULED. WE STILL

BELIEVE IT PREFERABLE THAT BOAT PROCEED MANATA ASAP AND ARE
URGING ECUADOREANS TO TAKE NECESSARY ACTION THIS REGARD.

DEWITT

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